



Deval L. Patrick
Governor

The Commonwealth of Massachusetts

Department of Public Safety

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 248-0813

TTY (617) 727-0019

www.mass.gov/dps

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Board of Elevator Regulations – Hearing Minutes – November 19, 2013

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

Present:

Kevin McGettigan, Member

Cheri Davis, Member

Thomas Riley, Member

John O'Donoghue, Member

Susan Genduso, DPS

Michael Nicoloro, Member

David Gaudet, Member

Absent:

Walter Zalenski, Chair

Harold McGonagle, Member

Meeting is called to order and board members are introduced, Kevin McGettigan is Acting Chair– a quorum is present

Minutes:

- Review of Minutes of November 5, 2013
Motion by: Cheri Davis to accept the minutes as read
Seconded by: Michael Nicoloro
Vote: 4-0, **Minutes accepted**
Abstained: Kevin McGettigan and David Gaudet

Petitions Heard:

I. 8 Blakelin Street, Lawrence - 149-V-463

524 CMR – 2012, Section 32.06 (3) – Horizontal clearance and hoistway clearance

Owner: Eight Blakelin, LLC, PO Box 328, Lawrence, MA 01842

Petitioner: Eric White, Member Eight Blakelin, LLC, PO Box 494 Windham, NH 03087

Petitioner is seeking relief from Inspectors Report #117770 requiring the installation of bevels on ledges in the hoistway and baffles on the inside of landing doors, and subsequent Inspectors Report #143458 placard for non-compliance. Petitioner agrees to add the baffles but questions the need for bevels in the VRC hoistway and asks for clarification of code citation. A motion is put forth by John O'Donoghue to put the petition on hold to allow time for the Department of Public Safety to re-visit the location and identify the specific non-compliant code and to explain to the petitioner how to resolve.

Motioned by: John O'Donoghue

Seconded by: Thomas Riley

Vote: 3-2, **Variance on hold**

Abstained: Kevin McGettigan

II. 40 Chase Street, Newton

Part 20 A17.1 - 1996 Rule 2000.7(a) – Vertical lift travel distance

Owner: New England Communities, Inc., 97 Parker Street, Newton Centre, MA

Petitioner: Marc A. Slotnick, President, New England Communities, Inc.

Petitioner is seeking a variance from Part 20, A17.1-1996 Rule 2000 7(a) to install a vertical lift with three stops and a travel distance of 14'-0". The installation is in an existing house that is being converted into a group residence for adults with disabilities. The Architectural Access Board requires that a lift be installed and is in favor of this installation. A motion is put forth by Thomas Riley to grant the variance as requested.

Motioned by: Thomas Riley

Seconded by: David Gaudet

Vote: 5-1, **Variance granted** - Opposed by: Kevin McGettigan

III. 33 High Road, Newbury, Unit 3

ASME A17- 2004, 5.3 – Installation of residential elevator

Owner: Federal Street Partners, 19 Federal Street, Newbury Port, MA

Petitioner: Dolores Person, Federal Street Partners

Petitioner is seeking a variance from ASME A17-2004, 5.3 to install a residential elevator in an existing school building being converted into residential condominiums. The elevator would service the second floor apartment exclusively and also make a stop in a basement storage area. The basement storage area is not contained within the unit and as such the installation does not qualify as a single family owner occupied installation. A motion is put forth by David Gaudet to deny the variance.

Motioned by: David Gaudet

Seconded by: Cheri Davis

Vote: 4-1 **Variance denied** - Opposed by: John O'Donoghue

Abstained: Thomas Riley

IV. 17 Oak Street, Needham - 199-P-89

524 CMR – 2012, Section 17.02(11) Access through Machine Room

Owner: Oak Street Realty Trust, 420 Main Street, Suite 8A, Walpole, MA

Petitioner: Stephen R. Picardo, Trustee Oak Street Realty Trust

Petitioner is seeking a variance from 524 CMR – 2012, Section 17.02(11) to allow access to electrical room through elevator equipment room. The access through elevator equipment room has been an existing condition since the building was constructed in 1984. A motion is put forth by John O'Donoghue to grant the variance with the *conditions that the door to the elevator machine room be locked at all times and a registered elevator mechanic be present any time that the electrical room is accessed.

Motioned by: John O'Donoghue

Seconded by: Thomas Riley

Vote: 6-0 **Variance granted with conditions***

V. 21 Broad Street, Nantucket

A17.1 – 2004, 3.4.4 and 3.4.7 – Car top clearance and refuge space on top of car enclosure

Owner: Bruce Percelay, The Mount Vernon Company, 29 Commonwealth Ave #601 Boston, MA

Petitioner: Matthew R. MacEachern, Emeritus Development Ltd., 8 Williams Lane, Nantucket 02554

Petitioner is seeking a variance from A17.1-2004, 3.4.4 and 3.4.7 for the installation of an elevator with insufficient clearance on car top and insufficient refuge space on top of car enclosure. A Gillespie Overhead

Safety System is being installed that will stop the unit at 3'-7" clearance when the elevator is in inspection mode. A motion is put forth by Cheri Davis to grant the petition as requested with the *conditions that the overhead bumper safety system is installed and that "low overhead" signage is provided at crosshead, access switch and in machine room.

Motioned by: Cheri Davis

Seconded by: David Gaudet

Vote: 6-0 **Variance granted with conditions***

**VI. 99 Foley Street, Somerville (MBTA Assembly Square Station Elevators #1, 2 and 3
524 CMR – 2012, 2.7.2.2 Maintenance clearances for elevator equipment and governor
Owner: MBTA, One Park Plaza, Boston**

Petitioner: David Gannon, Kone Elevator, One New Boston Drive, Canton, MA 02021

Petitioner is seeking a variance from 524 CMR to install three Global Tardif Machine Room-Less elevators, #TSM-5035-HV, with reduced maintenance clearance for elevator equipment and governor. This type of elevator has previously been approved by the Board to be installed in Massachusetts. A motion is put forth by Cheri Davis to grant the variance as requested for the three elevators.

a. Elevators # 1 and #2

Motioned by: Cheri Davis

Seconded by John O'Donoghue

Vote: 6-0 **Variance granted**

b. Elevator #3

Motioned by: John O'Donoghue

Seconded by: Cheri Davis

Vote: 6-0 **Variance granted**

A motion was put forth to adjourn the meeting by John O'Donoghue, motion seconded by Michael Nicoloro, all in favor. Meeting adjourned at 3:00pm.

Exhibit List:

Exhibit 1: Petition packet for 8 Blakelin Street, Lawrence

Exhibit 2: Petition packet for 40 Chase Street, Newton

Exhibit 3: Petition packet for 33 High Road, Newbury

Exhibit 4: Petition packet for 17 Oak Street, Needham

Exhibit 5: Petition packet for 21 Broad Street, Nantucket

Exhibit 6: Petition packet for 99 Foley Street, Somerville (MBTA Assembly Sq. Station #1, 2 and 3)

Prepared by: Susan Genduso

November 20, 2013